



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of)

DANIEL J SMITH)

Serial No 10/565,573)

Filed January 23, 2006)

For STABILIZATION AND IONIC)
TRIGGERING OF NITRIC)
OXIDE RELEASE)

) Group Art Unit 1615

) Confirmation No. 2362

) Customer No. 39905

CERTIFICATE OF MAILING

I hereby certify that this correspondence was deposited with the United States Postal Service as first class mail addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on December 26, 2007.

Lynn Browning
Lynn Browning Sec'y to George W. Moxon II

PETITION TO REVIVE UNAVOIDABLY ABANDONED
APPLICATION FOR PATENT PURSUANT TO 37 CFR §1.137(a)

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants, through their attorney, respectfully petition the Commissioner of Patents and Trademarks to revive the above-identified application under the provisions of 37 CFR §1.137(a) on the grounds that the abandonment of the above-identified application was unavoidable, completely unintentional, and without their authorization. Notably, this petition is being filed within one year of the date of abandonment.

In particular, the application became abandoned on December 7, 2007, and according to the Examiner, the abandonment was the result of a failure to properly respond to the notice of Missing Requirements. However, as you can see from the enclosed photocopy of the receipt postcard (ATTACHMENT A), the response was indeed mailed within the two month statutory period. And as you can see from the first page of the response, the response (ATTACHMENT B) included a proper certificate of mailing. Moreover, even if the application had been late the Office was duly authorized to charge any fees regarding timelines and/or small entity charges to our deposit account. Finally, the response submitted was fully responsive to each and every issue raised by the Examiner. Accordingly, there is no basis for a finding of abandonment and the applicant respectfully requests that the Examiner withdraw such finding. In the alternative, the

Applicants respectfully request that the abandonment be held unavoidable, and that Application Serial No. 10/565,573 be revived.

The undersigned hereby authorizes the Director to charge the petition fee in the amount of \$250.00 (Applicants being a small entity) and any payments or underpayments to Deposit Account No. 50-0959 (Ref. No. 089498.0480), should the Office believe any additional fees are presently due.

Respectfully submitted,



George W. Moxon II, Reg. No. 26,615
Roetzel & Andress
222 S. Main St.
Akron, Ohio 44308
(330) 376-2700
Attorney for Applicant

December 26, 2007

1227943.1.089498.0417



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/565,573	Daniel J. Smith	0894980480US

39905
ROETZEL AND ANDRESS
222 SOUTH MAIN STREET
AKRON, OH 44308

INTERNATIONAL APPLICATION NO.	
PCT/US04/23867	

I.A. FILING DATE	PRIORITY DATE
07/26/2004	07/25/2003

CONFIRMATION NO. 2362
371 ABANDONMENT/TERMINATION
LETTER



Date Mailed: 12/07/2007

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 02/05/2007 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

DONNA S GREENE

Telephone: (703) 308-9140 EXT 222

Applicant(s) SMITH, Daniel Docket No. 089498.0480
Serial No. 101564573 Filing Date 1/23/06 Atty 0729
Title Stabilization of Ionic Triggering...
Mailed 2/22/07 Due Date 4/5/07 Exp. Mail

- () Patent Application (☐ NEW ☐ CON ☐ DIV ☐ CIP ☐ CPA ☐ PROV) ☐ PCT
- ☐ New Application Transmittal ☒ Declaration/Power of Attorney
☐ Pages of Specification ☐ Assignment & Cover Sheet
☐ Claims ☐ IDS & PTO 1449 with references
☐ Sheets of Drawings ☐ Issue Fee Transmittal
☐ Formal ☐ Informal ☐ Main Fee Transmittal
☐ Pages of Abstract ☐ Letter of Transmittal
☐ Pages of Request
- () Notice of Appeal ☐ Appeal Brief
- (☒) Amendment/Response
☒ Transmittal

RECEIPT ACKNOWLEDGED

ondence was
e as first class
p: MISSING
Box 1450,
2007.
Box II

Applicant(s) SMITH, Daniel Docket No. 089498.0480
Serial No. 101564573 Filing Date 1/23/06 Atty 0729
Title Stabilization of Ionic Triggering...
Mailed 2/22/07 Due Date 4/5/07 Exp. Mail

- () Patent Application (☐ NEW ☐ CON ☐ DIV ☐ CIP ☐ CPA ☐ PROV) ☐ PCT
- ☐ New Application Transmittal ☒ Declaration/Power of Attorney
☐ Pages of Specification ☐ Assignment & Cover Sheet
☐ Claims ☐ IDS & PTO 1449 with references
☐ Sheets of Drawings ☐ Issue Fee Transmittal
☐ Formal ☐ Informal ☐ Main Fee Transmittal
☐ Pages of Abstract ☐ Letter of Transmittal
☐ Pages of Request

RECEIPT ACKNOWLEDGED

- () Notice of Appeal ☐ Appeal Brief
- (☒) Amendment/Response
☒ Transmittal ☐ Extension of Time
- () Certificate of Correction
- () Missing Parts Response w/Form PTO-1533
- () Trademark/Service App. ☐ Use ☐ ITU

ed with this
).

(☒) Other Return

Applicant(s) SMITH, Daniel Docket No. 089498.0480
Serial No. 101564573 Filing Date 1/23/06 Atty 0729
Title Stabilization of Ionic Triggering...
Mailed 2/22/07 Due Date 4/5/07 Exp. Mail

- () Patent Application (☐ NEW ☐ CON ☐ DIV ☐ CIP ☐ CPA ☐ PROV) ☐ PCT
- ☐ New Application Transmittal ☒ Declaration/Power of Attorney
☐ Pages of Specification ☐ Assignment & Cover Sheet
☐ Claims ☐ IDS & PTO 1449 with references
☐ Sheets of Drawings ☐ Issue Fee Transmittal
☐ Formal ☐ Informal ☐ Main Fee Transmittal
☐ Pages of Abstract ☐ Letter of Transmittal
☐ Pages of Request

RECEIPT ACKNOWLEDGED

O I P E
FEB 26 2007
PATENT & TRADEMARK OFFICE

- () Notice of Appeal ☐ Appeal Brief
- (☒) Amendment/Response
☒ Transmittal ☐ Extension of Time
- () Certificate of Correction
- () Missing Parts Response w/Form PTO-1533
- () Trademark/Service App. ☐ Use ☐ ITU
- () Other Return

RECEIVED MAR 05 2007 Specimens ☐ Stmt. of Use ☐
Extn. ☐ Opposition ☐

February 22, 2007

1406690.089498.0480

IAP15 Rec'd PCT/PTO 26 FEB 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

SMITH, Daniel J.

Serial No. 10/564,573

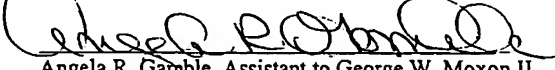
Filed January 23, 2006

For STABILIZATION AND IONIC
TRIGGERING OF NITRIC OXIDE
RELEASE

) Group Art Unit 1615
) Confirmation No. 2362
) Customer No. 39905

CERTIFICATE OF MAILING

) I hereby certify that the following correspondence was
) deposited with the United States Postal Service as first class
) mail in an envelope addressed to: Mail Stop: MISSING
) PARTS, Commissioner for Patents, P.O. Box 1450,
) Alexandria, VA 22313-1450 on February 22, 2007.

) 
) Angela R. Gamble, Assistant to George W. Moxon II

TRANSMITTAL SHEET

Enclosed are the following documents:

Response to Notification of Missing Requirements (*in duplicate*)

Combined Declaration and Power of Attorney

Copy of Notification of Missing Requirements

Return Receipt Postcard

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

The Director is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 50-0959 (089498-0480.US).

Respectfully submitted,



George W. Moxon II, Reg. No. 26,615

Roetzel & Andress

222 South Main Street

Akron, OH 44308

Telephone: (330) 849-6689

Facsimile: (330) 376-4577

Attorney for Applicant

February 22, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

SMITH, Daniel J.

Serial No. 10/564,573

Filed January 23, 2006

For STABILIZATION AND IONIC
TRIGGERING OF NITRIC OXIDE
RELEASE

) Group Art Unit 1615
) Confirmation No. 2362
) Customer No. 39905
)

CERTIFICATE OF MAILING

) I hereby certify that the following correspondence was
) deposited with the United States Postal Service as first class
) mail in an envelope addressed to: Mail Stop: MISSING
) PARTS, Commissioner for Patents, P.O. Box 1450,
) Alexandria, VA 22313-1450 on February 22, 2007.

) 
) Angela R. Gamble, Assistant to George W. Moxon II

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Sir:

Now comes Applicants, through their undersigned counsel, and submit herewith a duly executed Combined Declaration and Power of Attorney. Also submitted herewith is a copy of the Notification of Missing Requirements mailed February 5, 2007.

You are hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0959 (089498.0480.US). A duplicate copy of this page is included for such purposes.

Respectfully submitted,



George W. Moxon II, Reg. No. 26,615

Roetzel & Andress

222 South Main Street

Akron, Ohio 44308

Telephone: (330) 376-2700

Attorney for Applicants

February 22, 2007

RECEIVED FEB 08 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/565,573	Daniel J. Smith	0894980480US

INTERNATIONAL APPLICATION NO.
PCT/US04/23867

I.A. FILING DATE	PRIORITY DATE
07/26/2004	07/25/2003

39905
 ROETZEL AND ADDRESS
 222 SOUTH MAIN STREET
 AKRON, OH 44308

CONFIRMATION NO. 2362

371 FORMALITIES LETTER



OC000000022313022

Date Mailed: 02/05/2007

Response Due 4/5/07

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/23/2006
- Copy of the International Search Report filed on 01/23/2006
- Information Disclosure Statements filed on 01/23/2006
- U.S. Basic National Fees filed on 01/23/2006
- Specification filed on 01/23/2006
- Claims filed on 01/23/2006
- Abstracts filed on 01/23/2006
- Drawings filed on 01/23/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/565,573	PCT/US04/23867	0894980480US